

MONTANA LEGISLATIVE HISTORY

Chapter 531 19 91

Bill H 556 S _____

Original bill & history ☒ C

H. Committee on Fish + Game

Hearing Date(s) Feb 19 ☒ C

_____ C

_____ C

_____ C

Date Out Feb 20 ☒ C

S. Committee on Fish + Game

Hearing Date(s) Mar 19 ☒ C

Mar 26 ☒ C

_____ C

_____ C

Mar 27 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☒ No

Committee _____

Report _____

HOUSE BILL NO. 556

INTRODUCED BY REAM, SVRCEK

IN THE HOUSE

FEBRUARY 1, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 2, 1991	FIRST READING.
FEBRUARY 20, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 21, 1991	PRINTING REPORT. POSTED ON ALTERNATIVE CONSENT CALENDAR.
FEBRUARY 23, 1991	THIRD READING, PASSED. AYES, 90; NOES, 8. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME. FIRST READING.
MARCH 27, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 1, 1991	SECOND READING, CONCURRED IN.
APRIL 2, 1991	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991	RECEIVED FROM SENATE. SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 10, 1991	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 556
2 INTRODUCED BY Ream Smith
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
5 REGARDING GAME FARMS AND GAME FARM ANIMALS, INCLUDING THE
6 IDENTIFICATION, TRANSPORTATION, TAXATION, AND INSPECTION OF
7 GAME FARM ANIMALS AND REPORTS REQUIRED OF GAME FARM
8 LICENSEES; PROVIDING THAT IMPORTATION PERMITS AND HEALTH
9 CERTIFICATES ARE REQUIRED OF GAME FARM ANIMALS; AND AMENDING
10 SECTIONS 81-2-702, 87-4-408, 87-4-414, 87-4-415, 87-4-417,
11 87-4-420, AND 87-4-423, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 87-4-408, MCA, is amended to read:

15 "87-4-408. Department jurisdiction -- applicability of
16 livestock laws and rules. (1) The department has primary
17 jurisdiction over game farms.

18 (2) A game farm licensee must also comply with all
19 applicable laws and rules administered by the department of
20 livestock relating to marking, inspection, transportation,
21 and health."

22 **Section 2.** Section 87-4-414, MCA, is amended to read:

23 "87-4-414. Game farm animals as private property. (1)
24 All game farm animals lawfully raised on a licensed game
25 farm are the private property of the licensee.

1 (2) The licensee may acquire, breed, grow, keep,
2 pursue, capture, kill, use, sell, or dispose of the game
3 farm animals and their progeny in any quantity, at any time
4 of year, and in any manner, as long as he complies with the
5 requirements of this part.

6 (3) A licensee shall mark each game farm animal in a
7 manner approved by the department of livestock that
8 facilitates individual identification of animals for
9 inspection, transportation, reporting, and taxation
10 purposes.

11 ~~(3)~~(4) Before allowing hunting of any game farm animals
12 on a game farm, the game farm licensee must obtain a game
13 farm shooting license from the department.

14 ~~(4)~~(5) The Except for importation permits and health
15 certificates required under 81-2-703, laws applicable to
16 game animals do not apply to game farm animals raised on a
17 licensed game farm."

18 **Section 3.** Section 87-4-415, MCA, is amended to read:

19 "87-4-415. Transportation and sale of game farm animals
20 -- quarantine. (1) Whenever the licensee of a licensed game
21 farm sells or disposes of one or more game farm animals, he
22 shall, at the same time, deliver to the recipient or
23 otherwise cause to accompany each ~~such~~ game farm animal an
24 invoice or bill of sale signed by the licensee or his agent
25 stating the number of the game farm license, the date of

1 acquisition and disposition, the species, the number
 2 individual game animals disposed of, and the name and
 3 address of the transferee. This invoice or bill of sale,
 4 along with the required health certificate, authorizes
 5 transportation of the game farm animal or animals being
 6 sold, transferred, or disposed of.

7 (2) Within ~~a-reasonable-time~~ 30 days after disposition,
 8 the licensee or his agent shall mail postpaid a duplicate of
 9 the invoice or bill of sale to the department of livestock
 10 and the department.

11 (3) The department of livestock may quarantine any game
 12 farm animal pending inspection and health certification. The
 13 department shall advise the department of livestock
 14 regarding the importation or transportation of any game farm
 15 animal that the department reasonably believes may be
 16 infected with a disease specific to wildlife."

17 **Section 4.** Section 87-4-417, MCA, is amended to read:

18 "87-4-417. Records and reporting. (1) Each game farm
 19 licensee shall keep and maintain for 3 years accurate
 20 written records of all purchases, transfers, and sales of
 21 game farm animals showing:

22 (a) the number of each species of game farm animal
 23 purchased by the game farm licensee and from whom purchased;

24 (b) the number of each species of game farm animal
 25 transferred or sold, the date of transfer or sale, and the

1 name and address of the person to whom the transfer or sale
 2 was made; and

3 (c) individual identification of each game farm animal
 4 purchased, transferred, or sold.

5 (2) On or before January 31 of each year, the game farm
 6 licensee shall file a report with the director, showing the
 7 number and species of game farm animals on hand as of
 8 January 1 and the number and species of game farm animals
 9 bought or sold during the past year."

10 **Section 5.** Section 87-4-420, MCA, is amended to read:

11 "87-4-420. Taxation. All game farm animals raised on a
 12 game farm may be assessed as personal property of the owner,
 13 but in no case may the assessed value be less than the
 14 restitution value set for each species in 87-1-111."

15 **Section 6.** Section 87-4-423, MCA, is amended to read:

16 "87-4-423. Revocation of license -- penalty. (1) A game
 17 farm license may be revoked for failure to operate the game
 18 farm according to the provisions of this part or rules
 19 adopted under this part.

20 (2) Upon discovery of a violation, the department shall
 21 give notice of the violation to the licensee, with a
 22 statement of--a--specific--time-in-which that the violation
 23 must be corrected within 30 days of the notice, unless a
 24 longer period is approved by the department.

25 (3) Upon failure of the licensee to correct the

violation, the department may institute revocation proceedings. If the department institutes revocation proceedings, it shall provide reasonable notice and opportunity for a hearing to the licensee. After hearing and upon proof of violation, the department may revoke the game farm license.

(4) In addition to the revocation of a license allowed by this section, a licensee who violates this part or a rule adopted under this part is subject to a fine of not less than \$5,000 or imprisonment in the state prison for not less than 1 year, or both."

Section 7. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits, rodents, game animals, game farm animals, fur-bearing and wild animals, and poultry and other birds.

(2) "Biologics" means medicinal preparations made from living organisms and their products. It includes but is not limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record written on an official health certificate form of the state of origin or on an equivalent form of the U.S. department of agriculture attesting that the animals, animal semen, or

animal biologics described thereon have been visually inspected by a federally accredited veterinarian and found to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses, sheep, llamas, bison, swine, and goats.

(6) "Permit" means an official document issued by the department after proper application that allows the movement of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants."

-End-

Questions From Committee Members:

REP. FORRESTER asked how many boats do not meet the decimal limit. How does a person know if his boat meets these limits? Is a grandfather clause needed? Ms. Ellis said most boats can meet decimal limits by lowering speed and regulating their distance from the shoreline. An average boat meets noise regulations if 100' from the shoreline. All boats manufactured now and 90% of older boats will meet the requirements. REP. SCOTT asked the cost and man-hours involved to enforce noise equivalent regulations. Mr. Graham said more time would be involved. REP. SCHYE asked if this would affect float planes. REP. LEE said no. REP. SCHYE said the safety flag provision in the bill for water skiers should not be enforced on small lakes. REP. LEE said that area of the bill could be changed. REP. DEBRUYCKER asked how many pumpout facilities there are now. REP. LEE said one at Polson on Flathead Lake and it is not always available. CHAIRMAN ELLIOTT asked REP. LEE if he approved of REP. WANZENRIED'S amendments. REP. LEE said he is opposed to all amendments except changing the safety flag provision for water skiers.

Closing by Sponsor:

REP. LEE said the reduction in noise limits is an important part of this bill and urged passage.

HEARING ON HOUSE BILL 556

Presentation and Opening Statement by Sponsor:

REP. BOB REAM, House District 54, Missoula, said the game farm business has mushroomed. It is a good industry that needs support. This bill will help stop illegal trade of wildlife and transmission of diseases. Introduction of exotic species sometimes causes disease spread. Individual identification needs to be retained. Game farmers are concerned regarding the taxation portion of this bill. FWP and the Department of Livestock need to get a better handle on this industry. REP. REAM explained Amendment A (exotic species), B (penalties), and C (animal identification). (EXHIBIT 10) He is opposed to Amendment C. Informational material was distributed to the committee members.

Proponents' Testimony:

Les Graham, Department of Livestock, supports this bill as amended.

Pat Graham, FWP, supports this bill as amended. EXHIBIT 11

Ward Swansen supports this bill, except Amendment A, because it supports and amplifies what is already law. FWP and the Department of Livestock can implement rules to control exotic species.

Charles Brooks, Montana Chapter of North American Elk, said game farms are a good industry but need to be regulated. He supports this bill as amended, except Amendment A.

Robert Spoklie, Spoklie Farms, supports this bill as amended, except Amendment A. Health management and identification are necessary. Identification should be done on a herd basis. There could be a problem with the taxation procedure because animal prices fluctuate. EXHIBIT 12

Steve Musick, Judith River Ranch, supports this bill as amended, except Amendment A. EXHIBIT 13

Janet Ellis, Montana Audubon Legislative Fund, supports this bill, including Amendment A. There is no control of animals coming into game farms. Exotic species need to be studied and added by rule. Their membership supports animal identification, Amendment C.

Don Weppler supports this bill as amended, except Amendment A. EXHIBIT 14

Scott Snelson, Montana Wildlife Federation, supports this bill as amended, except Amendment C.

Ellen Squires supports this bill, including Amendment B.

Jerry Christison, Montana Elk Breeders Association, supports this bill.

Constance Poten submitted written testimony in support of HB 556. EXHIBIT 15

Opponents' Testimony:

Garth Isbell, Alpine Ranch, said this bill is not needed because it parallels current laws.

Questions From Committee Members:

REP. FORRESTER asked Dr. Ferlicka if there is a problem at Gardiner with diseased elk. Dr. Ferlicka said yes. This legislation will help so game farms can be monitored for diseases. Herd identification will help trace and monitor animals. REP. SCOTT said the bill addresses big game animals, but does it protect in-state bird producers from out-of-state bird producers that may not comply with Montana laws? Mr. Graham said there is no protection. Mr. Sternberg said the bill deals with game farm animals but does not include birds. REP. REAM

said it is important to retain the exotic species provision of the bill. REP. ELLISON asked if there are any exotic species on game farms and the importance of this amendment to the department. Mr. Bird said there are approximately 12 exotic big game farms. Mr. Graham said the department feels Amendment A (exotic species) is important, whether by statute or by rulemaking. CHAIRMAN ELLIOTT asked Mr. Bird about the importance of animals being individually marked, and is it for protection purposes? Mr. Bird said it is highly desirable, but the logistics will be hard to administer. Mr. Les Graham said the technology for individual identification is not ready for wildlife use yet. Herd identification is desirable in order to control disease spread.

Closing by Sponsor:

REP. REAM said he supports Amendments A and B. He does not support Amendment C until identification technology is improved. Disease spread is an increasing problem. He stressed the importance of this bill and urged passage.

HEARING ON HOUSE BILL 576

Presentation and Opening Statement by Sponsor:

REP. HAL HARPER, House District 44, Helena, said this bill is to control importation for introduction and transplantation or introduction of fish. Except as otherwise provided, the importation for introduction or the transplantation or introduction of any wildlife is prohibited unless the commission determines, based upon scientific investigation and after public hearing, that a species of wildlife poses no threat of harm to native wildlife and plants or to agricultural production and that the transplantation or introduction of a species has significant public benefits. There is a need to get tough before we lose native species and habitat.

Proponents' Testimony:

George Harper said some people move to Montana to fish, and this bill will protect fish species.

Ron Shields supports this bill.

Pat Graham, FWP, supports this bill with submitted amendments.
EXHIBIT 16

Mike McNeilly supports this bill.

Tony Schoonen, Anaconda Sportsmen, supports this bill.

Bill Holdorf, Skyline Sportsmen, supports this bill.

EXECUTIVE ACTION ON HOUSE BILL 556

Motion: REP. DEBRUYCKER MOVED HB 556 DO PASS.

Motion: REP. ELLISON moved to adopt amendments to HB 556.

Discussion:

Mr. Sternberg said there are three sets of amendments to the bill, which Rep. Ream labeled Amendment A (exotic species), Amendment B (penalties), and Amendment C (animal identification).
EXHIBIT 10

CHAIRMAN ELLIOTT asked Mr. Cool how the department feels about Amendment A. Mr. Cool said the department supports the amendment. REP. ELLISON said this amendment is the most important part of the bill. REP. MCCARTHY said it states in the title of the bill that the importation of these species is prohibited.

Vote: Adopt Amendment A. Motion carried 16 - 1 with Rep. Debruycker voting no.

Motion: REP. STRIZICH moved to adopt Amendment B.

Discussion:

Mr. Sternberg explained Amendment B.

REP. SPRING said penalties should be increased. REP. MEASURE said changes in Amendment B would be on page 5, line 7. It should read, "in addition to the revocation of a license allowed by this section, a licensee who violates this part or a rule adopted under this part is subject to a fine of not more than \$5,000 or imprisonment in the county jail for not more than 1 year, or both".

Motion/Vote: REP. MEASURE made a substitute motion to adopt Amendment B as amended. Motion carried unanimously.

Discussion:

Mr. Sternberg explained Amendment C.

Motion: REP. PHILLIPS moved Amendment C be struck.

Discussion:

REP. KELLER said he is opposed to the motion. REP. HANSEN said there were objections to the second part of the amendment, but not the first. Should we separate or strike the second part? Mr. Sternberg explained that the amendment should not be separated.

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL

DATE 2-19-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓		
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

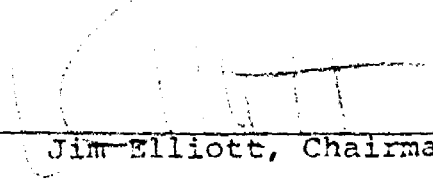
HOUSE STANDING COMMITTEE REPORT

1:20
2-23-91
108

February 20, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Fish and Game report that
House Bill 556 (first reading copy -- white) do pass as amended

Signed: 
Jim Elliott, Chairman

And, that such amendments read:

1. Title, line 9.

Following: "ANIMALS,"

Insert: "RESTRICTING THE IMPORTATION OF CERTAIN SPECIES FOR GAME
FARM PURPOSES;"

2. Page 2, line 8.

Strike: "individual"

Insert: "ownership"

3. Page 2, line 23.

Following: "animal"

Insert: "or animals"

4. Page 3, line 1.

Strike: "and"

Insert: "or"

5. Page 3, line 2.

Strike: "individual"

Insert: "age, sex, and class of"

6. Page 3, line 4.

Strike: "the"

Insert: "any"

Strike: "certificate"

Insert: "certifications"

7. Page 3, line 7.

Strike: "30"

Insert: "10"

Strike: "disposition"

Insert: "movement or sale"

1125
2-20-91
1013
February 20, 1991
Page 2 of 2

8. Page 5, line 8.

Strike: "licensee"

Insert: "person"

9. Page 5, line 9.

Strike: "less"

Insert: "more"

10. Page 5, line 10.

Strike: "state prison"

Insert: "county jail"

Strike: "less"

Insert: "more"

11. Page 6, line 12.

Following: line 11

Insert: "NEW SECTION. Section 8. Importation of certain species prohibited. (1) The following species or subspecies and their hybrids with native species are restricted from importation for purposes of game farming:

(a) all Eurasian subspecies of red deer unless surgically sterilized or neutered;

(b) all Eurasian sheep and goats in the subfamily Caprinae of the Caprini tribe unless surgically neutered; and

(c) white-tailed deer from east of the 100th meridian in North America.

(2) The department or the department of livestock may add other species that are determined through scientific investigation to pose a threat to native wildlife or livestock through nonspecific genetic dilution, parasites, or disease.

NEW SECTION. Section 9. Codification instruction. [Section 8] is intended to be codified as an integral part of Title 87, chapter 4, part 4, and the provisions of Title 87, chapter 4, part 4, apply to [section 8]."

Amendments to House Bill No. 556
Introduced (White) Reading Copy

Requested by FWP
For the Committee on F&G

Prepared by Doug Sternberg
February 19, 1991

1. Title, line 9.

Following: "ANIMALS;"

Insert: "RESTRICTING THE IMPORTATION OF CERTAIN SPECIES FOR GAME
FARM PURPOSES;"

2. Page 6, line 12.

Following: line 11

Insert: "NEW SECTION. Section 8. Importation of certain species
prohibited. (1) The following species or subspecies and
their hybrids with native species are restricted from
importation for purposes of game farming:
(a) all Eurasian subspecies of red deer unless surgically
sterilized or neutered;
(b) all Eurasian sheep and goats in the subfamily Caprinae
of the Caprini tribe unless surgically neutered; and
(c) white-tailed deer from east of the 100th meridian in
North America.
(2) The department or the department of livestock may add
other species that are determined through scientific
investigation to pose a threat to native wildlife or
livestock through nonspecific genetic dilution, parasites,
or disease.

NEW SECTION. Section 9. Codification instruction. [Section
8] is intended to be codified as an integral part of Title
87, chapter 4, part 4, and the provisions of Title 87,
chapter 4, part 4, apply to [section 8]."

Amendments to House Bill No. 556
Introduced (White) Reading Copy

Requested by Rep. Ream
For the Committee on F&G

Prepared by Doug Sternberg
February 15, 1991

1. Page 2, line 23.
Following: "animal"
Insert: "or animals"

2. Page 3, line 1.
Strike: "and"
Insert: "or"

3. Page 3, line 4.
Strike: "the"
Insert: "any"
Strike: "certificate"
Insert: "certifications"

4. Page 3, line 7.
Strike: "30"
Insert: "10"
Strike: "disposition"
Insert: "movement or sale"

5. Page 5, line 8.
Strike: "licensee"
Insert: "person"

6. Page 5, line 9.
Strike: "less"
Insert: "more"

7. Page 5, line 10.
~~Strike: "\$5,000"~~
~~Insert: "\$500"~~
Strike: "state prison"
Insert: "county jail"
Strike: "less"
Insert: "more"

8. Page 5, line 11.
Strike: "1 year"
Insert: "6 months"

Amendments to House Bill No. 556
Introduced (White) Reading Copy

Requested by Rep. Ream
For the Committee on F&G

Prepared by Doug Sternberg
February 15, 1991

1. Page 2, line 8.
Strike: "individual"
Insert: "ownership"
2. Page 3, line 2.
Strike: "individual"
Insert: "age, sex, and class of"

~~DNP~~ D²

HB 556
February 19, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks
to House Fish and Game Committee

This legislation would require that game farms comply with rules administered by the Department of Livestock relating to marking, inspection, transportation and health of game farm animals. In addition, the bill clarifies and strengthens penalties for violation of the rules.

There is a growing interest in game farming in Montana, as well as other western states and provinces. This interest extends beyond traditional game species to include exotic species from Europe, Asia and Africa. As a result, we believe the existing game farm statutes are inadequate.

Our primary concerns are to protect native wildlife from exposure to disease, being taken illegally and interbreeding with exotic species. The provisions of HB 556 provide significant improvements to safeguard Montana's native wildlife.

Individual identification of game farm animals is important in case wild animals mix with game farm animals. This may occur inadvertently or through illegal capture. Another problem has been people killing native elk and attaching a game farm tag. If individual visual identification is not acceptable, a brand such as a lip tattoo should be required.

The Department of Livestock could enact health rules covering diseases and parasites that are specific to wildlife.

The bill also provides for quarantining game farm animals that may be infected with a disease.

The current game farm statute provides for revocation of a license for failing to operate a game farm according to law. The proposed bill clarifies that criminal and civil statutes may be assessed in addition, or instead of revoking a license. This has been a problem in the prosecution of some violations.

It is difficult to underscore the significance of outbreaks of disease in Montana's wild elk, deer, sheep or other wildlife. Breeding with exotic wildlife could have irreversible effects on our native wildlife. The high value of wildlife like elk encourages the illegal capture, transportation, breeding and sale of wild animals.

We would also support the sponsor's amendment to prohibit the importation of certain exotic wildlife into Montana. Not only do these species pose a threat through interbreeding, but they can compete for limited wildlife habitat.

We urge your support of this bill as amended.

EXHIBIT 12
DATE 2-19-91
HB 556

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Robert Spoklic BILL NO. 556
ADDRESS Antelope Mont. DATE _____
WHOM DO YOU REPRESENT? Montana Chapter of Youth Armenians
SUPPORT X OPPOSE _____ AMEND ELK Growers
COMMENTS: With Amendments

Rough Elk rain

EXHIBIT 13
DATE 2-19-91
HB 556

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME STEVE MUSICK BILL NO. H556

ADDRESS Hilgop Montana DATE 2/19/91

WHOM DO YOU REPRESENT? Judith Rouse Ranch

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: MR Chairman, Members of Committee
I am a Game Farm Operator who has been
in business since 1978. I am also on the
executive board of directors of North American
SIR Breeders Ass. I am here in support of those
Bill 556 with the exception of ^{Exhibit} ~~part~~ 4
which address the exotic animals, and ~~the~~
production

DATE 2-19-91
HB 556

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME DAN WEPPLE BILL NO. 556
ADDRESS Rt. 1 Ryegate MT DATE 2-19-91

WHOM DO YOU REPRESENT? _____

SUPPORT X OPPOSE _____ AMEND X

COMMENTS: MR. Chairman, I support this
bill & encourage a "do pass" with an
exception of the exotic amendment.
I feel that both the Dept of Fish
Wildlife & Parks & the department of
Livestock have at the present time - under
rule making authority granted to them -
rather, than at this time to place a
total embargo on this part of this
industry. Herd ID is import - individual
I.D. should be optimal -

The necessary Powers to enforce & address this issue -

~~With this bill amended to~~

With this in mind I would support HB556

DATE 2-19-91
HB 556

February 14, 1990

Jim Elliott, Chairman
House Fish and Game Committee
State Capitol
Helena, MT 59620

RE: HOUSE BILL 556

Dear Chairman Elliott:

For the past two years, I have worked on an article and four films for National Geographic on the illegal trade of wildlife in America. In the course of my travel and research, it's become clear that the elk farm industry is by far the most lucrative of businesses that exploit wildlife parts, and that a significant reason for the tremendous profit margin is the illegal capture and transport of wild elk.

From New Mexico to Alberta, Canada, and east to Illinois and beyond, the smuggling of wild-captured elk continues with few apprehensions. Also, in transport, it is estimated that thirty percent of the elk die from the stress of being handled and moved.

The industry began in earnest when Canada encouraged the change-over from cattle to elk because cattle prices were so low and the improved Asian economy broadened their antler market to America. Canadians began to buy elk from the U.S., particularly from "Sonny" Welch Brogan in Corwin Springs, Montana. Known as the 'father of elk ranching,' Brogan shipped two 747 plane loads of live elk to Korea in the early 1980s. His ranch, situated in the path of a major elk migratory route, has often been found to contain many more elk than his records cover. For the most part, Brogan has escaped serious charges because as soon as fish and game wardens contact him about the numbers problem, he shoos out the wild elk and claims the hay leading to his gate is simply set out to lure back domestic escapees. No one

knows how many of his elk shipped to other game farms are illegally captured because the records are so easily doctored. A common practice is to exaggerate the actual number of elk a ranch has, so that when wild elk are trapped, they will be covered by papers. And no wonder. When a legal, domestic elk costs \$7,000 a head, the temptation to acquire free elk is hard to ignore, especially when penalties are minimal. Generally, in the illegal wildlife trade the penalty costs are built into the overhead as a matter of course. In other words, crime pays.

A complicating factor in Brogan's open gate policy is that his herd has been infected with tuberculosis for two years. During that time, he is known to have trapped over eighty wild elk which mingled with the diseased elk. Warned by game wardens, Brogan turned the illegal elk back to the wild. It will take years to tell how far the disease will spread.

The cost of strict enforcement of the law in regard to controlling illegal capture on game ranches has been prohibitive. To build a decent case on a game ranch means expensive undercover work, lasting several years, because the law requires that the rancher be caught in the act of capture.

In New Mexico, game wardens did conduct an undercover operation at the Chama Land and Cattle Company. They sprinkled fluorescent dust on hay being used to bait in wild elk. Ultra-violet photographs of elk stomachs and scat substantiated allegations that one million dollars' worth of live elk were captured and illegally transported by Chama.

However, more than two years later, the state of New Mexico is bogged down in a complicated series of court cases that have all but buried the original felonies. The owners of Chama are wealthy Texans who have launched many countersuits in an effort to outspend the state and force a settlement to their advantage. Currently, nine lawsuits are associated with the criminal investigation. The cost to New Mexico is tremendously high. Many people now hope that the state's legislature will find the financial burden reason to enact a sunset law that will retire the industry from the state. Because game farms are so entrenched, the proposal is to liquidate game ranches upon the death of the current owner, so as not to interfere

with that person's livelihood, but also forestall the perpetuation of the business through inheritance.

The complications arising from the Chama case have stymied wildlife officials whose job it is to enforce hunting laws. A maze of companies, all owned by the Chama owners, can still apply for and use hunting permits on the Chama ranch, so trophy hunting business there is being conducted as usual. This sends a message about how hard it is to stop the activities of those under criminal investigation once the game ranch is in operation.

After conducting a nationwide study, the state of Wyoming's Fish and Game Department recently concluded that game farms are detrimental to wild herds and that illegal activity is uncontrollable. A facet of game ranching that bothered Wyoming was the introduction of exotic species. History has proven that exotics escape into the wild and impair the survival of native species. In New Mexico, escaped barbary sheep have multiplied so much that they outcompete native animals for food. Native species are on the decline, and barbary sheep on the rise. They've caused a serious problem and there's no getting rid of them now. So Wyoming turned down a request for an 8,000 acre game farm by the heir of Campbell's Soup, John Dorrance. Dorrance has retaliated by suing the state. The litigation promises to use taxpayers' money for many years.

Washington State, recognizing the inherent problems, has outlawed game farms. Colorado has severely restricted them, yet is embroiled in lawsuits over exotics. Montana has become the center of illegal activity, supplying elk to other states and Canada. Less than a month ago, an Alberta, Canada, rancher was apprehended in Idaho while smuggling illegal Montana elk through Idaho, bound for Alberta. Several of his truckload of 68 elk escaped into the wild. Tests later revealed that at least two of the remaining elk had tuberculosis.

Another problem with game ranches is the common practice of interbreeding elk with red deer from New Zealand. According to elk expert Valerius Geist (University of Calgary, Canada), the hybrid offspring inherit none of the strengths and all the weaknesses of both breeds. Game officials

insist that there are always escapees into the wild from elk ranches. The resulting interbreeding with wild elk seriously threatens the stamina and survival of wild herds. To the untrained eye, red deer and elk look the same, so the practice of introducing red deer is difficult to track.

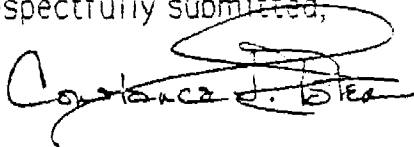
Confined game farm animals succumb to disease more frequently than those that live by natural migration. Vaccines and antibiotics stave off disease outbreaks, but escapees carry infections with them to wild herds.

In Canada, game ranchers want compensation for their diseased elk. In lieu of money, they'll take elk from national parks. Not only is this asking for sanctioned thievery from the public, but it is crafty because Asians pay higher prices for antlers from unpolluted national parks. Montana needs to consider carefully the potential of having to subsidize an industry based on high-risk ventures.

Finally, the profits from an industry that has so many potential impacts on wild herds--owned and supported by the public--don't really look like profits anymore. The odds against game farms make them look like a poor bet when the \$25 million dollar hunting industries of Wyoming, Idaho and Montana are threatened, as they are now by the tuberculosis scare, and the money spent for land to protect elk in the wild becomes money gambled away. With the stakes so high, Montana must consider the necessity of the natural resource it is exporting. The medicinal benefits for elk parts are based on myth, unsupported by research.

HB 556 is a sound beginning for cutting the losses. I hope that you will support the bill with enthusiasm.

Respectfully submitted,



Constance J. Poter
3612 Rattlesnake Drive
Missoula, MT 59802

EXHIBIT 22
DATE 2-19-91
HB 556

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL VOTE

DATE 2-19-91 BILL NO. HA 556 NUMBER _____

MOTION: _____

Adopt Amendment C

carried

NAME	AYE	NO
REP. JOHN JOHNSON, VICE-CHAIRMAN	✓	
REP. BEVERLY BARNHART		✓
REP. FRED "FRITZ" DAILY		✓
REP. ROGER DEBRUYCKER	✓	
REP. ORVAL ELLISON	✓	
REP. GARY FORRESTER		✓
REP. BOB GILBERT	✓	
REP. MARIAN HANSON	✓	
REP. VERNON KELLER	✓	
REP. BEA MCCARTHY		✓
REP. BRUCE MEASURE		✓
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE	✓	
REP. JOHN SCOTT		✓
REP. WILBUR SPRING	✓	
REP. BILL STRIZICH		✓
REP. JIM ELLIOTT, CHAIRMAN		✓
TOTAL	9	8

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish and Game

COMMITTEE

BILL NO. HB 556

DATE 2-19-90

SPONSOR(S) Ream

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jerry Christison Helena	Montana Elk Breeders Assoc	✓	
Marty Boehm Kalispell	Ants & Feathers Game Farm	✓	
STUE MUSICK Hilgert	Judith River Ranch	✓	
Gail A Tshell	Alpine Ranch Livingston		✓
STEVE Killien	Bg Bull 5111 Ranch	✓	
THOMAS JORDAN	M. C. D. I. A.	✓	
GEORGE CLOUTIER	ROCK CREEK DEER FARM	✓	
Margaret Cloutier	Rock Creek Deer Farm	✓	
MIKE MILLER	ELIZ VALLEY GAME RANCH	✓	
RAY B. SCHENCK	ELK GLEN BIG FORK	✓	
Ward Swanson	Swanson Game Farm V Roundup MT	✓	
Allen & Lark	4738 Fox 20th Line		
Bob Spoklin	Spoklin Farms Inc. Antelope Mont.		
Jerome & Mats Robelou	RR Ranch Kalispell	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Fish & Game COMMITTEE BILL NO. H.B. 556
DATE 2-19-90 SPONSOR(S) RCAM

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>W. F. Echert</u> <u>Plain, MT</u>	<u>Ⓢ cattle company</u>	☒	☐
<u>Bob Cheweth</u> <u>Heron Mt</u>	<u>Wapiti BASIN GAME FARM</u>	☒	☐
<u>DAVE KESLER</u>	<u>KESLER FARM</u>	☒	☐
<u>Heikki Carr</u>	<u>Cerald Argemile</u>	☒	☐
<u>Murald Carr</u>		☒	☐
<u>Archie Hayden</u>		☒	☐
<u>DICK & Nancy Klick</u>	<u>CASTLE Reef Elk</u> <u>AUGUSTA MT 59410</u>	☒	☐
<u>Anne Lippett</u>	<u>East Lakeshalee</u> <u>Bigfork mont</u>	☐	☐
<u>Dan Wessler</u>	<u>Ryeate. Mt.</u>	☒	☐
<u>Alan Jacobs</u>	<u>Kalspell MT</u>	☒	☐
<u>Charles R. Brooks</u>	<u>MT MT Retail Assoc }</u>	☒	☐
<u>A. Jack Schlarb</u>	<u>Sun River game Park</u>	☒	☐
<u>Scott Erickson</u>	<u>MT Wildlife Federation</u>	☒	☐

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on March 19, 1991, at 3:26 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Roll taken and noted.

HEARING ON HB 556

Presentation and Opening Statement by Sponsor:

Representative Ream, House Dist. 54, explained that game farming has mushroomed dramatically in recent years. It has grown in response to a demand and a ready market. He asks that the committee members pay close attention to the letter from V. Giest, who he considers to be an expert on the pitfalls of game farming. See Exhibits No. 1-5.

He is concerned about the possibility of transmitting diseases between game farms and ultimately infecting the wildlife population and livestock. Section 8 of the bill is to deal with the problems of exotic species of wildlife that are brought into the State that have the potential of interbreeding with wild animals or, in fact, are being bred with wild animals in captivity. If any of the hybrids get out into the wild population, you can see the tremendous potential for diluting

natural native populations. The taxation of game animals varies considerably from county to county depending on the local assessor and the taxation they place on the animals. Possibly the taxation problem can be worked out later with the Department of Revenue and does not necessarily have to be handled in this bill.

Proponents' Testimony:

K. L. Cool, Director of Montana Fish, Wildlife, and Parks, supports HB 556. See Exhibit No. 6.

Susan Leonard, Montana Audubon Legislative Fund, supports HB 556. The introduction of exotic species poses a great threat to native wildlife. Those animals that escape into the wild can and may impair the survival of native species. Problems include diseases, competition for food sources, and interbreeding which threaten the survival of wild herds by maximizing the weaknesses and minimizing the strengths of native species.

Lorraine Gillis, Montana Farm Bureau, supports HB 556. In order that our livestock as well as our native game animals be protected, it is necessary for game farms and game farm animals be given the same scrutiny for diseases as personal livestock.

Opponents' Testimony:

Ed Smith, former legislator, has friends and neighbors who are game farmers. He sponsored the original game farm bill when it was passed. He feels that HB 556 is poorly written and that not enough time has been spent in research. He cautions the committee not to act too hastily. See Exhibits No. 7-9.

Bob Spoklie, elk rancher from Antelope, Mt., represents 3,500 game growers across North America and 70 game and elk breeders in Montana. Game farming is one of the cleanest and most lucrative industries that Montana can endorse. See Exhibit No. 10-13.

Steve Musick, game farmer from Utica, Mt., started his game farm in 1978. See Exhibit No. 13.

Lawrence Richards, exotic animal breeder from Polson, Mt., opposes HB 556. See Exhibit No. 15.

George Cloutier, owner of Rock Creek Deer Farm, is owner of the family farm and wants to see family farms continue. There is now close to 200 deer farms in the U.S. He became involved in the deer farming business when he learned in 1988 that New Zealand, which has over 2,000 fallow deer farms, was importing over \$5 million worth of venison into the U.S. The following year, over \$8 million. Some American farmers want to develop that industry. There is no reason it can't be done in Montana. He is disappointed that none of the game farmers were contacted for their input into the dialogue for this bill.

Chad Ralls, game farmer from Ravalli Co., opposes HB 556. He was employed in the timber industry until 3 months ago and is now currently relying on his game farm to generate his needed income. See Exhibit No. 16.

Welch Brogan, owner of Cinnabar Game Farms, has been in the elk business for over 40 years. It is very difficult to get any elk into Canada as their requirements are very strict. Animals are tested for 4 diseases, suspected animals have to be placed in quarantine for 60 days and tested for the 4 diseases again.

He originally purchased his elk from Yellowstone Park for \$20 a piece. There has been controversy with the TB positive in his elk. He has destroyed all animals that have tested positive for TB. See Exhibit No. 17.

Ellen Schubarth, Vaughn, Mt., raises exotic animals and suggests amending the bill. She pointed out that white tail and mule deer often share a common breeding ground and because of natural selection, choose not to interbreed, thus keeping the species pure. See Exhibit No. 18.

Charles Brooks, representing Montana Chapter of North American Breeders Assn., stresses this is an emerging industry that we need to encourage and assist in developing. The ranchers understand that there must be some regulation in place, but they want to be an integral part of drafting the regulations. There are some problems with this bill. We suggest tabling HB 556 which will give them an opportunity to form a committee, and meet with the various agencies involved so that they can come before the next legislature with a bill that will be acceptable to all parties involved.

Les Graham, Department of Livestock, gave a demonstration on an electronic identification device. This machine would inject an electronic chip into the muscle of an animal. A hand-held monitor would display the number on the chip used for identification. The devices are available; however, a licensing/numbering system will have to be implemented for proper identification.

Questions From Committee Members:

Senator Rye asked Rep. Ream why regulate an industry out of business when it is flourishing in this State? Rep. Ream explained the requirements for elk inspection and obtaining a certificate before transportation are no different from the livestock industry. If the elk ranchers want to be treated like livestock operators, this imposes the same requirements on the captive wild game.

Senator Rye asked Dr. Ferlicka how much more regulating is needed than currently exists in this industry? Dr. Ferlicka, State Veterinarian for Dept. of Livestock, stated that it has been said

the most heavily regulated industries are the public utilities and livestock/agriculture, and the record will show that this heavy regulation was pretty much self-imposed. Our traditional livestock people have taught us, as we move more and more away from natural conditions, that we have to pay stricter attention to health programs. It would be better if we didn't regulate so heavily but with the fact animals move and the spread of disease follows the movement of infected animals.

Senator Pinsoneault asked Rep. Ream if the letter from Mr. Giest had been written at his request. Rep. Ream stated that he had sent Mr. Giest a copy of the bill when he first introduced it and because he was unable to testify in person, he sent his statement instead. Senator Pinsoneault asked why Rep. Ream contacted him and he responded that Mr. Giest had written numerous articles on this subject and he considers him an authority on the subject of game farms. Senator Pinsoneault asked Rep. Ream if he had seen the letter to Bob Spoklie from Professor J.C. Haigh of the University of Saskatchewan who discounted Dr. Giest's theories? Rep. Ream said that he had not seen the letter.

Senator Pinsoneault asked Dr. Ferlicka if he was an expert in the wild game species? Dr. Ferlicka stated he was rapidly becoming very knowledgeable in the matter of game farm TB. He has no special credentials with wild game animals. He has been called upon frequently to make important decisions in regard to wildlife animals; therefore, he prides himself in being reasonably adept at finding answers, etc.

Senator Pinsoneault asked Bob Spoklie why he ties the value of his elk to registered Angus? Mr. Spoklie explained that they do have registered elk and the values are definitely higher on registered elk. Just in the last year, the North American Elk Breeders Assn., has introduced the same microchip identification program that was demonstrated today. He has about 15 animals that have the microchip already inserted for identification/registry.

Senator Pinsoneault asked Bob if the Elk Breeders Assn. would be willing to pay the cost of a veterinarian who is an expert in wildlife which he feels this industry needs? Bob has no objection as an elk rancher to being assessed whatever is necessary to accomplish these things as long as they are not assessed any more than what is currently assessed to other industries in the same category as they are.

Senator Pinsoneault commented that he has great fear of disease in the industry. He feels it is great that the elk farmers are showing ingenuity in making money. He has a great fear of some sort of epidemic that will occur such as an "aids" virus as in the human population. Bob stated that every animal that enters this State has been tested under the rules of the Health Department that comes onto the game farms. If an animal is moved out of the State, we've complied with every rule this State

requires and also the state where the animal is to be transported to. The elk ranchers have too much at stake not to protect themselves.

Senator Grosfield asked Les Graham if the current laws relating to game farms puts a lot of responsibility on two different departments and would seem that it could be awkward at times. Would the long-term solution be to place it under one department or is it fine to have two departments? Mr. Graham explained that they have not had "territorial" problems with the FWP. They work very well together.

Senator Grosfield asked Dr. Ferlicka if there are no health certificates now for animals that cross the State line? Dr. Ferlicka explained that they have a statute which states that every animal, biologic and animal semen, imported into the State of Montana must come under special permits from the Department of Livestock. Under that authority we apply such requirements as are appropriate for that particular shipment in terms of documents and test requirements. Since disease conditions can change rather rapidly and seriously, we do under this permit system have immediate authority at time of issuance or denial of the permit to place such restrictions. At this time, we require health certificates issued by an accredited veterinarian at origin as standard requirement on all animals coming into the State.

Senator Bianchi expressed his concern on introduction of exotics and crossbreeding with native species. Mr. Spoklie stated that the exotic industry still has potential for Montana. Most exotics are not the type of animal that are going to escape out into the wild. The game farming industry is all for fencing and health regulations and does not see that crossbreeding is really an issue.

Senator Swift asked Rep. Ream why he is willing to delete the language referring to tax? Rep. Ream felt that it would be best to leave the taxation up to the Department of Revenue.

Senator Swift questioned the penalty of having the game farm license revoked the first time an infraction is committed. He felt that revoking the license, shutting down the operation, putting the rancher out of business after such a large investment and the possibility of receiving a \$5,000 fine was excessive. Rep. Ream stated that a 30-day notice would be given to a game rancher after an infraction was found.

Senator Jergeson asked Mr. Spoklie what his main concerns of the bill were. Mr. Spoklie stated they have concerns with taxation, with marking, and with where the jurisdiction falls, whether between the Dept. of Livestock or FWP. They feel that the existing bill does a good job but it needs some fine tuning for today's game farm industry.

Senator Bianchi asked Don Childress if he regulated exotics as they come into the State? Mr. Childress stated he did not feel that the rule-making authority exists for the types of the control the Department feels is necessary.

Chairman Williams called upon Ed Smith to comment his feelings on this legislation. Mr. Smith stated that he had visited with the Dept. of Livestock and the FWP, and he feels these people are in a position to handle the responsibility. We can create more problems than we solve by acting too hastily, as even the experts can't answer all our questions. This bill involves many people and an essential part of Montana's economy.

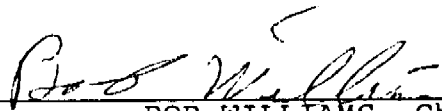
Charles Brooks addressed some issues in the bill that are disturbing to the game farmers. The \$5,000 penalty is excessive and the ranchers agreed that it should be \$500. Section 8 needs a tremendous amount of work and the whole area of taxation needs to be reconsidered. The rancher feels the animals should be taxed as registered cattle. He urges the committee not to overregulate the industry but to encourage it as it becomes a very strong economic factor in the economy for the State of Montana.

Closing by Sponsor:

Representative Ream stated that this bill is not an attempt to limit or restrict this growing industry but feels it will strengthen it because it will provide the tools to adequately monitor and enhance the industry.

ADJOURNMENT

Adjournment At: 5:46 P.M.


BOB WILLIAMS, Chairman


JULIA LEVENS, Secretary

EXHIBIT NO. 1DATE 3/19/91BILL NO. HB 556

Fax to: 406-444-4417

To: Bob Ream

RESPONSE TO MONTANA HOUSE BILL No. 556 13/02/91

V. GEIST, Faculty of Environmental Design, The University of
Calgary, CALGARY, Alberta, Canada. T2N 1N4 P. 403-220-6601/ 403-
288-1508 H.

This appears to be a bill trying to tighten existing regulations pertaining to game ranching. As we now see daily, game ranching is so destructive, and costly to the public purse, the livestock industry, the interests of our native people and to public health, that it is best to return to proven principles and ban ALL trafficking in dead wildlife. Wyoming is on the right track!

Here are several principle concerns - if game ranching is to be allowed, and the worst is to be avoided:

(1) There should be a section dealing with animals explicitly permitted, so as to keep out species and subspecies that are likely to damage native wildlife. For instance: would it be legal to import EUROPEAN moose into Montana? If so, I safely predict dead American moose due to disease transfer from Montana to Alaska. There is at least one entrepreneur trying to import "milking moose" to the U.S. in order to create an exotic cheese. He failed in Illinois; you might be next.

* It should be illegal to keep non-native subspecies of native species (i.e. no Eurasian red deer should be allowed).

* Keep out "improved" versions of native wildlife as they are genetic pollution manifest, and, particularly in the long run, a danger to native wildlife on that account. Genetic pollution, unlike water pollution, is not reversible. It's forever.

* It should be illegal to keep exotics, due to threat from genetic pollution, disease transfer, and competition. In short: exclude mouflons, urials etc (very dangerous to bighorns and very difficult to control in the feral state), sika deer (escape artists, disease carriers, tough competitors and impossible to shoot out once they get established) etc.

* There should be a section, as in Idaho, to outlaw the transport of designated dangerous wildlife across the state: such as the transport of red deer x elk hybrids. Why take unnecessary chances?

* Insure that the taxonomy you use is valid and can be verified, or enforcement becomes a problem.

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE 3/19/91

BILL NO. HB 556

February 14, 1990

Jim Elliott, Chairman
House Fish and Game Committee
State Capitol
Helena, MT 59620

RE: HOUSE BILL 556

Dear Chairman Elliott:

For the past two years, I have worked on an article and four films for National Geographic on the illegal trade of wildlife in America. In the course of my travel and research, it's become clear that the elk farm industry is by far the most lucrative of businesses that exploit wildlife parts, and that a significant reason for the tremendous profit margin is the illegal capture and transport of wild elk.

From New Mexico to Alberta, Canada, and east to Illinois and beyond, the smuggling of wild-captured elk continues with few apprehensions. Also, in transport, it is estimated that thirty percent of the elk die from the stress of being handled and moved.

The industry began in earnest when Canada encouraged the change-over from cattle to elk because cattle prices were so low and the improved Asian economy broadened their antler market to America. Canadians began to buy elk from the U.S., particularly from "Sonny" Welch Brogan in Corwin Springs, Montana. Known as the 'father of elk ranching,' Brogan shipped two 747 plane loads of live elk to Korea in the early 1980s. His ranch, situated in the path of a major elk migratory route, has often been found to contain many more elk than his records cover. For the most part, Brogan has escaped serious charges because as soon as fish and game wardens contact him about the numbers problem, he shoos out the wild elk and claims the hay leading to his gate is simply set out to lure back domestic escapees. No one

D R A F T

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Resolution on Game Farming

June 1991

Whereas wildlife resources are a valuable economic, aesthetic, and ecological resource in all western states and provinces,

Whereas game farming is increasing rapidly in western North America and creating potential danger to the livestock industry and wildlife resources,

Whereas serious disease problems have been documented in elk on game farms in Alberta and Montana; 60 elk farms in Alberta are quarantined due to tuberculosis, 325 elk have been destroyed at an indemnity cost of \$2.7 million, and hundreds more elk will be destroyed at a cost expected to exceed \$8 million. Tuberculosis is a serious threat to human health,

Whereas serious genetic problems have occurred in Colorado where red deer and mouflons have escaped from game farms, established feral populations, and are hybridizing with wild populations of elk and bighorn sheep, respectively. Colorado has undertaken a costly program to genetically test elk on game farms for hybridization and are attempting to eradicate feral populations.

NEWS RELEASE



WYOMING
GAME AND FISH
DEPARTMENT

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE 3/19/91

BILL NO. HB 556

Contact: Steve Merritt (307) 777-4553

July 27, 1990

EXOTICS MORATORIUM A NECESSARY PRECAUTION, SAY G&F OFFICIALS

A recently imposed moratorium on reviewing applications for the importation and possession of exotic ungulates was a move that was both necessary and long overdue, according to Wyoming Game and Fish Department officials.

"Considering the department's concerns for the threats exotic game pose to native wildlife populations, and the increased interest in exotic game and game ranching, a moratorium was clearly the most appropriate course of action that could have been taken," said Larry L. Kruckenberg, chief of the department's Information and Education Services Division.

The moratorium, issued this week by the Game and Fish Commission, also directs the Game and Fish Department to conduct a comprehensive evaluation of the regulations and policies governing the importation and possession of exotic ungulates.

In addition, the moratorium calls for the department to examine all existing permits to import or possess exotic ungulates in order to determine if any permits were improvidently issued, and to recommend action on any such permits.

The evaluations and recommendations are scheduled to be completed by August 1, 1991.

"The commission believes the potential long-term ramifications of exotic game are serious enough to merit an extensive and thorough study by the department," Kruckenberg said. "We simply cannot be too cautious given what is at risk".

G-F

EDITOR'S NOTE: The Commission's resolution is attached.

**Montana Department
of
Fish, Wildlife & Parks**



SENATE FISH AND GAME

EXHIBIT NO. 5

DATE 2/19/91

BILL NO. NB556

TO: Don Childress, Bob Bird

FROM: Keith Aune *KA*

DATE: January 31, 1991

SUBJ: Game Ranching Symposium

RECEIVED

FEB 1 1991

LAW ENFORCEMENT

I recently attended the Game Ranching Symposium in Boise, Idaho. The symposium was well attended with 60 people present representing most of the western states and several Canadian Provinces. Although much of the discussion centered on disease and parasites several other key issues surfaced. The objective of the symposium was to develop some uniformity in dealing with disease in the western states.

I am enclosing the notes on the disease concerns. As you will see many of our concerns here can be dealt with through the current Department of Livestock regulations. Diseases which are important to the livestock industry can be well regulated in Montana especially if the new draft legislation to amend the laws governing game ranches are adopted. The move toward a health certification before transport is critical in preventing the spread of disease across state or international boundaries. However, we still may not be addressing the movement of diseased animals within the state as was the case with our recent TB outbreak.

The disease or parasite concerns for livestock may not include every condition for wildlife populations. This is one serious short-coming under our current legislative frame work. When I looked at the statutes and rules we now have there is no means to prevent importation of game animals which may have a disease or parasite which poses no threat to livestock but could significantly impact native wildlife populations. This may be the case for a parasite such as the meningeal worm which according to agreement by the group of veterinarians at this meeting probably does not affect domestic livestock. This conclusion was reached because there is so much overlap with *P. tenuis* infected whitetail deer and livestock in the midwest and east. For this parasite we may not have recourse to prevent its importation into Montana via game farms.

I am not sure under the Rulemaking statute 87-4-422 whether or not we can make Department rules to protect the wildlife resources of

HB 556
March 19, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to Senate Fish and Game Committee

Game farming is growing rapidly in North America and in Montana. The current statutes governing game farms are shared by the Department of Livestock and the Department of Fish, Wildlife & Parks. We feel these statutes are insufficient to address potential problems this rapidly expanding industry could inadvertently create for Montana's wildlife resources.

I will limit our comments to the sections of this bill that are primarily the jurisdiction of our agency.

First, I would like to describe how game farms can impact native wildlife. The outbreak of tuberculosis in game farm elk in Canada has already resulted in the destruction of hundreds of elk at a cost in the millions of dollars. Montana's game farm elk have also been affected by this quarantine and Dr. Ferlicka, Montana State Veterinarian, could address that in more detail. The potential existed for these elk to infect native elk populations in the Yellowstone herd and other areas.

Genetic problems can also cause significant and irreversible damage to native wildlife. Experience shows that game farm animals do escape despite the fencing requirements implemented by this department. Red deer and mouflon sheep have escaped in Colorado and established feral populations which are hybridizing with wild populations and competing with native populations. Colorado is now undertaking a costly eradication program.

Meningeal brain worm is found only in white-tailed deer in the east and midwest. Natural barriers may exist (arid climates) that will control the spread of this parasite. Transportation of game farm whitetails across this geographic barrier could spread the parasite to the western U.S. This parasite kills moose, caribou and mule deer.

The proposed legislation would allow the state to better control the importation of these exotics or disease-risk animals.

The current game farm statute provides for revocation of a license for failing to operate a game farm according to law. The proposed bill clarifies that criminal and civil statutes may be assessed in addition to or instead of revoking a license. This has been a problem in the prosecution of some violations.

We recognize that game farming can be a viable, legitimate business for the State of Montana. Its important that the growth of this industry not have adverse impacts on our native wildlife.

3/19/91

HB 556

MR CHAIRMAN. MEMBERS OF THE COMMITTEE:

I am Ed Smith, former legislator. and I served for 18 years on the House and Senate Fish and Game Committee in my 20 years as a legislator.

I am not a game farm operator. but I do have several friends and neighbors who are. I have nothing to gain or lose with HB-556. I am also familiar with what took place in getting the present game farm law passed. I was a sponsor of that bill.

In checking. I find that none of you, the present Senate Fish, Wildlife and Parks Committee members, were serving on this committee when the present game farm law was passed. I believe it would be beneficial to you in making a decision on HB-556. if I give you some background on what has taken place in the past.

I was a member and chairman of the Fish, Wildlife and Parks committee in 1981 when a game farm bill was introduced. This ended up in a free-for-all between the Fish Wildlife and Parks and the game farm operators.

After hours and even days of deliberation. our committee could see there was no way of resolving their differences. What we did was tabled the bill and directed the Fish Wildlife and Parks Department, the game farm operators, and the Department of Livestock to get together. work out their differences. and come back to the 1983 session with a bill. After a lot of hard work over those two years, they did bring back a bill which was passed and is now our present Game Farm Law, which, I might add, has been quite effective.

I realize that the present law basically addressed game farms with elk. I also realize that game farming has expanded and now includes many more species. I am sure the sponsor of HB-556, Representative Ream, is attempting to address the situation.

I have a problem with HB-556. It reminds me of what happened in 1981 - not enough time and research was put into the bill by all that are involved.

I give you just one example: Steve Howard, Sheridan County attorney - who is a game farm operator - took both the Department of Fish Wildlife and Parks and the Department of Livestock laws and researched them. This is his comment, "HB-556 is poorly written. It confuses sheep and goats defined as livestock in Section 81-2-702(5) with eurasian sheep and goats in the sub-family caprinae of the caprini tribe now being banned for game farming purposes, it HB-566 passes."

He further comments, "The only distinction is the game animal definition. Section 89 would expand game animals to eurasian sheep and goats in the sub-family caprinae of the caprini tribe. This is all goats by ancestry and definition - domestic, milk, angora and pygmy.

The real kicker is it wouldn't affect sheep (i.e. the mouflan). They are ovine. They are miscategorized under this proposed statute.

Attendance Sheet.

EXHIBIT NO. 8

DATE 1991 3/19/91

BILL NO. 18556

STEVEN HOWARD	ostrich	Plentywood MT
Bill Friedrich	LLAMA Sheeps - donkeys - Fainting ELAND - FALLOWDEER - Jacob - Angora - pyggy	Antelope MT
and Van Curen	angora goats	Plentywood mt.
Emile Van Curen	angora goats	Plentywood
Walt & Leona Brion	Yak - Buffalo - ibex - Beavers - muffs - Bottles - Gules - Etc - Elk - deer -	Plentywood
Reida & Helmer Lee	Russian Romanov Sheep	Plentywood
Bazil Anderson	FAINTING GOATS P.T. - PRILLIAN P.T. LLAMAS - YAK - CASHMERE GOATS	Westby
Wendy Brockmeyer	fainting goats miniature houses	Plentywood
David & Sheila Friedrich	fainting goats	Antelope
Linda Holland	fainting goat miniature houses	Plentywood
Lewy & Genevieve Lee	fainting goats	Westby
Pat Carlett	Tailor Ram - llama - Pig - Dog Cubs - bad - yoke goats	Sealings
David Prozedal	Elk, Buffalo, moose	Fried
Mark Prozedal	Sheep	Trail
Ganny Moore & Valerie Moore	pt blood lip Romanov Sheep Cashmere goats fainting goats	Westby
Gawn Adams	Ostrich	Fortuna N.D.
Judy Andersen	Romanov Sheep - Fainting Goats	Westby
Gert Spoklie	Elk	Antelope
Bob Spoklie	Elk	Antelope
Ed Smith		Geyser
Bill & Diane Nyby	Elk	Antelope
Doug Mangel	Elk	Plentywood

An Interview with Texas Agriculture Commissioner

"The Exotic Animal Industry Has An Unlimited Growth Potential"

[ED'S NOTE - The following article was printed in the January edition of the "Exotic News"]

Jani Johnson

The Texas Department of Agriculture released a study in the Spring of 1989 titled, Exotic Game In Texas An Overview Of Commercial Potential. During the last three years, the Texas Department of Agriculture has spent many hours on the subject of exotics.

In November of 1989, The Exotic News, interviewed Mike Moeller, Deputy Commissioner of the Texas Department of Agriculture regarding the TDA study on exotic venison, the TDA's stand on diversified ranching, and other areas of interest to individuals involved in the exotic industry. The interview to follow is written in question and form.

I was told you were the mastermind behind this study by the Texas Department of Agriculture

titled, "Exotic Game in Texas An Overview of Commercial Potential. Did you discover this yourself as an area that needed research? Are you the individual that thought of this study?

Yes, it's a subject I've been interested in for a long time.

How long?

Oh, years, literally years! But, I became very, very interested in 1987, when we began to meet with some of the exotic growers and breeders around the state with regard to some of the legal problems that they were having at that time. Property tax was a problem, which in some counties was very substantial, where you had tax assessors that refused to recognize exotics as agricultural animals and were

the exotics but taxing the land at its market value; and problems that the exotic deer and antelope people were having with the health department with regard to getting the meat inspected. Since we are the agency that deals with

farmers and ranchers, and at that time those were the people we

were dealing with in the exotic business, we felt like they were getting a raw deal and that we needed to do something to help. So, yeah, I have been sort of the focal point of that and I guess sort of by osmosis, I am the guy who a lot of those folks contact when they have a legislative problem.

Did you actually order this study?

Oh, yes, absolutely. However, this is not to take anything away from Mr. Hightower, because it's a project that he has let me spend a great deal of time on and obviously is something in which he is very interested.

Why don't you tell us a little bit about this study, and what you have discovered by hitting some of the high points.

The real high points have to do with the market that exists for

exotics and this study is about venison: it's obviously not about all exotics, it's about exotic deer. What we found was that currently, the United States imports up to 1000 tons of venison every year, most of it from New Zealand. We found that the 1000 tons can be supplanted by venison grown in Texas. Well, actually could be grown anywhere in the United States. But we want it to be grown

headway. In fact, some of the venison producers tell me that they think this figure of 90% of the exports is going to be down to 80% this year; which will mean we have essentially doubled our market, but we have so much farther we can go. Our goal basically is to shut out New Zealand. We think that Texas can completely replace that market.

In terms of health benefits, lean venison has 33% fewer calories and 75% less fat than chicken, which surprises a lot of people. In 1983, there was 1.3 million acres in Texas devoted to exotic animals. We want to do a new census since we expect that figure is much closer to 2 million acres right now.

Another one of my little projects is the hunters clearinghouse program; and that has been going about three years now. Last year our listing of exotic ranches that have hunting of exotics available to the public jumped by about 100 percent. So, there is something going on out there. There's a substantial market and we know

we can compete in that market. At least as far as meats go, we know that we can compete.

As far as breeding population and breeding animals go, we've obviously got work to do with countries like Mexico and others that we want to export our animals too. But, there is no question that the market is there and there is no question that Texas can be extremely competitive in that marketplace.

Since the legislature has passed some favorable legislation in 1987, we are probably at a competitive advantage among virtually all of the 50 states in terms of our ability to grow exotic animals as breeding stock or as meat stock. Basically, we believe that we need to capitalize

Would you explain the legislation passed in Texas?

Well, there were two bills, and they were sort of the answer to the two problems that I mentioned a while ago. One, was a bill to define exotic animals as livestock for property tax purposes; that was done in 1987. So, you don't have this threat now, at least in most cases, of tax offices coming in and deciding if you grow exotics that your not in agriculture, and therefore you should pay tax on the market value of your land. The differential between the tax on the agricultural value and the market value is very, very substantial in most parts of Texas. The second piece of legislation was where the legislature finally required the state health department under certain circumstances to inspect exotic game meats so that it could be sold to the general public. And since then, there has been quite a boom in the exotic venison business.

I read in your study where several large, well known grocery stores are now selling venison right along with beef, chicken, pork, etc. How did venison get to these markets?

Yes, and more every day. The first part of the market that Texas began to move into actually was the upscale restaurant and hotel market. I think you know Mike Hughes and some of those folks that are really pioneers in this area. I think his initial market was the Hyatt Hotel chain and then from that into some of the better

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I am Robert Spoklie, farmer, businessman and elk rancher from Antelope, Montana. Also, I am on the board of directors of the North American Elk Breeders Association and president of the Montana Elk Breeders Association representing 3500 game growers across North America and 70 elk and game breeders in Montana.

I would like to address House Bill 556 and the present game farm laws that are in effect at this time. House Bill 556 was introduced without any prior knowledge to game farm operators, as we have no permanent representation in Helena to keep us informed. Many amendments to the present laws are already covered by other regulatory agencies. The Dept. of Health and the Dept. of Livestock has complete control over testing, importation, transportation, quarantine and may stop the movement of animals at any time in Montana.

A number of elk breeders and game growers spent 3 hours with the sponsor and the Dept. of Fish, Wildlife and Parks before the House Committee met. At that time we agreed to support this bill thinking that the amendments would be acknowledged, this was not the case. After the House hearing, all amendments were ignored and the bill had no changes. Needless to say, we felt betrayed.

RULES AND REGULATIONS:

Under present law a game farm operator license may be revoked at any time by the Dept. of Fish, Wildlife & Parks if they find an operator in violation of any of the present laws.

I would hope this committee will not misinterpret the game violations committed by out of state hunters and dealers in hides and heads as this has nothing to do with our industry.

Game farming is one of the cleanest and most lucrative industry that Montana can endorse. It can add needed income to the smallest or large scale operators. The potential is far greater than most people are aware of. For example, New Zealand last year alone, shipped over 320 tons of deer and elk antlers through government antler pools to the Asian countries. In comparison, even though having a superior product, the entire North American continent sold only 15 ton of which 4 ton were shipped from Montana. That only tells us we have a lot of room to expand.

TAXATION:

We as elk breeders and game farm operators already have minimum assessed valuations but we also think it not more than fair that we have a ceiling set at the same assessed value as purebred cattle, as our market value is subject to much more fluctuation. The elk breeders and other game farm operators have a much larger capital investment in fencing and handling facilities; this creating a higher assessed taxable

GAME FARMING PRACTICE



NOTES FOR THE GAME FARMING INDUSTRY

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University of Saskatchewan



Velvet harvesting

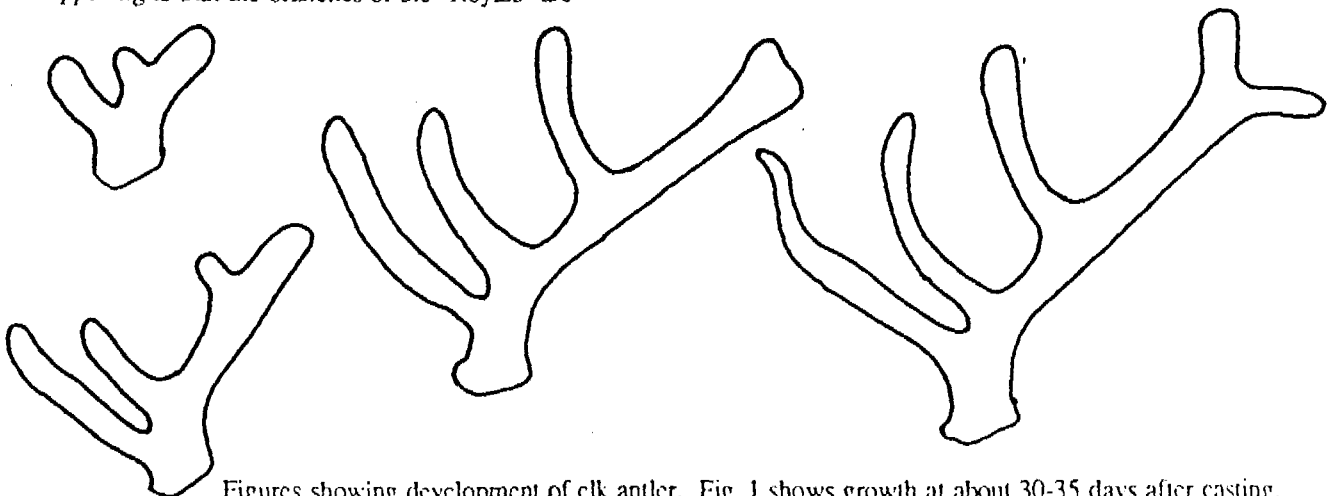
The key to a successful velvet antler operation is record keeping. Bulls of three or four years of age or older will have produced the best quality velvet at about 70 days after the button or antler drop in the spring. This usually occurs about the middle of March in mature bulls. If you are keeping good records you will be able to group bulls according to predicted velvetting dates. From year to year there may be minor variations which will depend upon feed, temperature and humidity, so you will have to keep a close eye on things. It is best to check the bulls about once a week and divide them into mobs that will be harvested at about the same time. Individual bulls may vary by a few days but it will not take long to develop records that will tell when to expect a given bull to be ready for harvesting.

The Korean grading system divides the antler into four categories. These are super A, A, B, and C. The right time to cut, in order to obtain so-called **super A** grade is when the first three tines have developed and the top of the antler has flattened out. It will bulge for a few days and then start to show an indentation. What is in fact happening is that the branches of the "Royals" are

developing. Anything more than a slight indentation is too much. Cutting before the top flattens and bulges will markedly reduce the weight of the antler and so the price paid. Currently, for the Korean market antlers that lack tines are downgraded.

Velvet harvesting from young bulls is more difficult to judge than from the mature animals. It may be that the antlers will be ready to cut before they begin to branch their third (or trez) tine. The only way to assess this is to closely observe the development of the tips of the brow and bez tines. If these are beginning to dry up, and the velvet itself appearing to shrivel then the antler is ready to cut. Some of these younger animals may not be ready to harvest until late June or even early July.

Rick Alsager has recently visited Korea and reports that to qualify as **super A** the antler must not only be cut at the right time but must have a minimum length of 70cm. A grade is difficult to distinguish from **super A**. The minimum length for B grade is 60cm. For C, 20cm. Most C grade antler comes from spikers and 2-year olds.



Figures showing development of elk antler. Fig. 1 shows growth at about 30-35 days after casting. Fig. 2 shows development at about 45-50 days. The central figure represents the ideal stage of growth at 65-70 days after casting for velvet harvesting. Fig. 4 shows early growth of "Royals". Antlers of this type would be downgraded.

Some mysteries of the East revealed

EXHIBIT NO. 12
DATE 2/19/91
H0556

Why deer's "the most important animal in Oriental medicine"

THE DEER HORN mentioned in early oriental medicine was that of Spotted deer, a species recognised as a lucky animal which brings health and longevity.

Our tradition has it that the god of longevity, who lives deep in the mountains, eats medicinal plants like Ginseng and is always accompanied by a Spotted deer. We Koreans think that the deer is one of the symbols of longevity, along with the turtle and the crane.

The first mention of deer horn's medicinal value was documented on a silk scroll excavated from Han tomb, China. This silk scroll indicates several significant medical treatments and prescriptions for 42 kinds of disease.

SOME OF the more mysterious of the mysteries of the East were unveiled at the NZDFA annual conference when South Korean Dr Peter Yoon, a fully qualified practitioner in both Western and Eastern medicine, revealed the wide range of uses of velvet antler and deer products in Oriental pharmacology. Dr Yoon — the fifth generation of his family to practise medicine — regularly prescribes the use of deer antler and other byproducts in his position as director of the Choon Won Dang Clinic in Seoul. This is the full text of his address.

Among the prescriptions, we could find that deer antler, venison and glue prepared from deer horn can cure snake bites; so we can suppose that the medicinal use of deer products had already started in Han dynasty — about 2,000 years ago.

More systematic records of the medical virtues of deer parts were presented in ShinNongBonChoKyung, published 1,800 years ago.

This book included references to deer velvet, antler and glue prepared from deer antlers. This is the English translation of the prescriptions:

"Deer velvet tastes sweet and its property is warm. It is used for curing persistent vaginal blood discharges, lochia (discharge following childbirth), febrile disease (fevers), epilepsy and for reinforcing vital energy, strengthening memory and will, and generating teeth.

"Deer antler cures sores, furuncles, carbuncles (boils), expels evil air and pathogens as well as retained blood in uterus. Deer antler glue tastes sweet and its property is calm. It is used for treating consumptive disease and illness caused by over-exertion, lumbago, and excessive loss of weight, repairing the body, reinforcing vital energy, curing amenorrhea and infertility, stopping pain and preventing miscarriage. Prolonged consumption would keep the body light and extend longevity."

Since this ShinNongBonChoKyung, about 2,000 medical volumes containing references to deer products have been published by government or privately. In the 18th century, the number of deer parts ascribed with medicinal value increased to 25.

They are velvet, antler, antler glue, bone, bone marrow and spinal cord, penis and testis, venison, head glue, head meat, sinew, blood, tooth, shank, skin, residue of antler glue, fat, brain, semen, gall bladder, thyroid gland, excrement, meconium, foetus, indigested milk and bone of lower limb.

Later, another three parts were added — tail, stomach, and stone in deer stomach.



Dr Yoon demonstrates a point on quality and size of antler velvet preferred in South Korea

Photo courtesy South Korea Times



WESTERN COLLEGE OF
VETERINARY MEDICINE

DEPARTMENT OF
HERD MEDICINE
AND

THERIODOGNOLOGY

UNIVERSITY OF SASKATCHEWAN

SENATE FISH AND GAME

EXHIBIT NO. 13

DATE 3/19/91

BILL NO. H8556

SASKATOON, CANADA

57N 00W0

(306) 966-7146

FAX NO (306) 966-8747

FILE _____

Mr. Bob Spoklie
President, Montana Elk Breeders Association,
Montana

Fax to 1-406-765-2919

Dear Mr. Spoklie,

I am sending this message in response to your request about matters that have apparently been raised by Dr. Valerius Geist concerning the issue of game farming in Montana. I should state right away that I do not know any of the content of Dr. Geist's written opinions on this occasion.

I am aware of three issues that Dr. Geist has raised in the past on the matter of disease in game farmed animals, which seem to be at odds with some of the known facts.

The first is an apparent inconsistency as regards tuberculosis (TB). Dr. Geist is on record as opposing the culling of the wood bison herd in Wood Buffalo National Park. I understand that he considers that the disease is not a problem in that area. On the other hand he apparently endorses the slaughter of all farmed and/or ranched wapiti on the grounds that they are a disease risk to wildlife.

Further on the subject of TB, there has never been a case reported in a wild wapiti in North America. In fact, there have only been 7 cases reported in wildlife since the 1930s. One in a raccoon in the 30s in Ontario, two wolves from Riding Mountain National Park in Manitoba the early 70s, and four in white-tailed deer in the 60s. The epidemiology of TB in New Zealand is completely different than that of North America because there is a wildlife reservoir in which the disease is well established. Even there, the disease can hardly be characterized as a wildlife threat, and anyone wishing to hunt red deer may do so with minimal restrictions. Perhaps the two contrasting situations are being lumped together?

There was an outbreak of TB in wapiti and bison that started in the Dakotas just over 10 years ago. It was eradicated, with a test and slaughter policy. A proper testing and slaughter approach should be able to bring the present outbreak under control. I believe that a great deal of unnecessary emotion is being stirred about this disease by people who have no training in animal diseases.

On a last TB point, the disease exists in cattle in many regions of the USA. Why should they be considered any less of a threat to wildlife than farmed wapiti, in which farmers have invested large sums of money, and which they are at pains to prevent from escaping?

The second issue is that I believe he has at times stated that exotic animals should not be farmed or ranched because they are more susceptible to disease than native North American species. In the case of malignant catarrhal fever the opposite is true as far as the native white-tailed deer and the imported fallow deer are concerned. The white-tailed deer is very susceptible to the disease, while the wapiti is fairly resistant and the fallow deer seems to be completely resistant.

TESTIMONY ON HOUSE BILL 556
3/19/91

STEVE MUSICK
JUDITH RIVER RANCH
HILGER, MT. 59451

SENATE FISH AND GAME
EXHIBIT NO. 174314
DATE 3/19/91
BILL NO. HB 556

Chairman, Senate committee members:

My name is Steve Musick. I was born and raised on a family owned wheat and cattle ranch in Fergus County. I graduated from college with a degree in Agricultural Business and Animal Science in 1977. In 1978 I started managing the game farm I now operate.

I was one of the game farmers who had input into the 1983 game farm bill which is serving as the current game farm law. These laws have served us well for 8 years without one additional rule implemented.

Because the game farm industry offers so many profitable opportunities to our farmers and ranchers, we are going to see game farming continue to expand in Montana. I am thankful for the growth and profitability of the game farm industry. It has been continually been profitable through drought, hail, fire, floods and Congressional sessions the last 12 years. I am looking forward to the continued growth and profits of game farming.

I realize that this continued expansion will necessitate restructuring our game farm statutes. With joint input from game farmers, Dept. of Livestock and Dept. of Fish, Wildlife & Parks we will be able to adjust the jurisdiction in some areas of the game farm industry, bring current the regulations needed to ensure the health of livestock herds, public wildlife herds and still maintain an atmosphere conducive to the prosperous growth of game farming in Montana. This comprehensive legislation should be written for the next session of Congress. There is not enough time to amend statutory law so that it justly regulates game farm producers and concisely addresses the areas of concern of both regulating Dept.s during this session of Congress. In the interim both the Dept. of Livestock and the Dept. of Fish, Wildlife & Parks can utilize there flexible rule making authority to implement additional regulations which are needed.

I am opposed to house bill 556 and suggest it be tabled or defeated in committee. The suggested amendments are not needed in statutory law. I am willing to help comprehensively restructure the existing game farm statutes. These newly proposed statutory laws would be cooperatively written to better serve the future needs of game farming and the State of Montana. Game farming is emerging in Montana Agriculture as an major income producer. Let us meet the regulatory challenges this growing segment of our agricultural economy brings, not with unreasonable penalties, prohibitions and confusing jurisdictions, but with statutes and rules which encourages the growth and prosperity of a regulated game farm industry in Montana.

March 19, 1991

Mr. Chairman, Members of the Committee:

I am Lawrence G. Richards, exotic animal breeder from Polson, Montana. I currently raise llamas, elk, and Tibetan yaks and consult in the miniature donkey business. I own 55 head of Tibetan yak, which is the largest yak herd in Montana and the second largest yak herd in North America. I am sponsoring a yak production sale on my ranch September 21. Exotic animals are my sole business occupation.

I would like to address House Bill 556, which I fear may shortchange the future of the exotic animal industry in Montana. I believe the economic potential of the exotic animal industry for the state of Montana is underestimated. My ranch gives a snapshot of that potential.

In 1990, my ranch sales for llamas and yaks was \$220,000. Of that total, \$213,000 or 97% was sold to out-of-state buyers! For Montana, exotic livestock is an export market yet to be developed. The potential is enormous. By the end of 1992, I plan to own 50 yak cows and 50 elk cows. I expect them to produce between \$200,000 and \$250,000 in annual progeny sales. By that time, I intend to purchase a one or two section ranch and continue my expansion into other breeds.

I believe the economics of red deer and other deer species should be studied very seriously. Montana is a leader in beef production. Montana could also be a leader in venison production.

If we are to exclude any species from the state of Montana, I recommend a full study of hybridization risks, feral population risks, and economic potential be drafted and presented to the Governor. This study would include full participation by the game farm operators or animal breeders most immediately involved.

Respectfully, Mr. Chairman, House Bill 556 does not provide this measure and should be tabled accordingly.

SENATE FISH AND GAME

EXHIBIT NO. 16DATE 3/19/91BILL NO. HB 556

Mr. Chairman and the Senate Committee:

My name is Chad Ralls. I have a game farm in Ravalli County. I am here to express my concerns against House Bill 556. I live in Hamilton and was employed in the timber industry until three months ago. Now I am currently relying on the income generated from my game farm this spring to help compensate for my job loss earlier this fall. Over the years the considerable investment that I've made in building up my game farm will in the future help me become more financially independent and off the welfare and food stamp programs.

When such bills such as this one (House bill 556) come up before the House and are passed through, I can't help wondering if the people there are trying to tell me that maybe it's easier on welfare and food stamps than trying to make a living. I guess on welfare your biggest contemplation of the day would be the choice of whether to eat Swanson or Banquet frozen dinners. A very easy decision when I think of the hardships caused by a decision to pass a Bill such as this on the working class people.

I am proud of the game farm that I operate. It's my feeling that if more legislation and laws are needed, that this is no way to go about it. Let's set down together and draw up a bill suitable to both sides. Don't let some people (who have never visited my game farm or any others that I know of) draw up legislation that governs something they've never seen.



WELCH E. BROGAN
OWNER



SENATE FISH AND GAME

EXHIBIT NO. 17

DATE 3/19/91

BILL NO. H0556

CINNABAR

One non-worry

Dr. Lee Reichman The TB Panic Is Nothing to Panic Over

There have been a lot of stories in the general media this winter about a resurgence of tuberculosis (TB).

The truth: Although there was a near-10% increase in the number of active new cases of TB reported in the US last year, there were still only about 21,500 cases.

This means that only nine people out of every 100,000 were affected. . . about .009% of the population. Most of the new cases of TB occurred among people in very special groups. . .

- Inner-city dwellers and the homeless.
- People who have suppressed immune systems—particularly people with HIV.
- The elderly.*

Tuberculosis is *extremely* difficult to contract.

Example: People who are healthy and have six months of eight-hour-a-day contact or two months of 24-hour-a-day contact with a person who has an *active*, untreated case of TB have only a 50% chance of being infected with the TB bacteria.

Among people who are infected, only 10% actually develop the disease. And tuberculosis infection and active cases are easily detected and treated now with antibiotics.

SELF-DEFENSE

People at high risk should consult a doctor, even if they have no symptoms. If they are infected with the TB bacteria, the doctor will prescribe preventive treatment. Otherwise, the doctor will determine how often the test should be repeated.

Just in case: Have a tuberculosis test if you don't have results from one in your medical records. . . if someone in your family has an active case of TB. . . if you have long-term symptoms of respiratory infection. ■

*Many older people were infected with TB bacteria years ago, when the disease was much more prevalent than it is today. They never developed active cases of TB. . . until they grew old and became weak.

Bottom Line/Personal interviewed TB expert Lee Reichman, MD, professor of medicine, University of Medicine and Dentistry of New Jersey, University Hospital, 150 Bergen St., Newark, New Jersey 07103.

House Bill 556

SENATE FISH AND GAME

EXHIBIT NO. 18

DATE

3/19/91

WITNESS STATEMENT

To be completed by a person testifying or a person whose testimony entered into the record.

Dated this 19th day of March, 1991.

Name: Ellen Schubarth

Address: Box 132

Vaughn, MT. 59487

Telephone Number: 1-467-2910

Representing whom?

Exotic Animal Raisers

Appearing on which proposal?

House Bill 556

Do you: Support?

Amend?

X

Oppose?

Comments:

Attached statement

I have 30 years experience
in the raising of exotic and
domestic animals.

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on March 26, 1991, at 3:25 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Anderson Jr. (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused: None

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Roll taken and noted.

EXECUTIVE ACTION ON HB 556

Amendments, Discussion, and Votes:

Representative Ream presented and gave an explanation of amendments to HB 556 which is a bill regulating game farms. See Exhibit No. 1.

Director K. L. Cool of FWP feels that the amendments are an acceptable compromise. The Commission would be used to establish any restrictions through their normal rule-making process.

Charles Brooks, representing the Game Farmers, expressed some concerns. As these are domesticated animals, they would like to be classed under livestock realizing the FWP should have some administration also. They also feel comfortable with the rule-

making authority as far as some of the regulations are concerned. They are very interested in forming a committee to work with all the entities involved. Strongly urges the committee not to overregulate an emerging industry that will be so important to Montana's economy.

Senator Pinsoneault expressed his concern for people bringing animals in from different countries without any inspections or restrictions. Bob Spoklie advised for him to get such animals into the State, he would have to go through Dr. Ferlicka's office, have to have a clean bill of health, and qualify for all the tests that are given.

Senator Grosfield questioned if the taxation will be handled by rule making by Department of Revenue? Rep. Ream stated that would be correct; however, because of variable mill levies in different counties, the taxation would be different. Senator Grosfield asked how species not listed on the 1991 Livestock Schedule are taxed? Mr. Spoklie stated because of the myriad of exotic animals that are purchased and sold within a year's time, it may have been overlooked. See Exhibit No. 2.

Senator Grosfield asked if the two-year study was still in the program as was discussed during the hearing? Rep. Ream explained that the game farmers were forming an association to serve as an advisory committee to the Commission. Because the bill has become relatively simple, he feels that a study is not required and any problems can and will be handled by the rule-making authority of the Commission.

Senator Anderson asked Bob Spoklie if the game farmers would be able to live with the amendments until the next legislature convenes? Bob stated they could as they had been asked to be present when the amendments were being written.

Senator Bianchi commented that the FWP should develop a list of exotic animals that should not be introduced into the State because of the genetic pool that could happen.

Senator Jergeson expressed concern for the penalty imposed on game farmers for first infractions which more than likely were unintentional. He recommended changing the amendment to have a varying degree of fines for any game farmer who continues to break the rules. After committee discussion, Senator Jergeson withdrew his amendment.

Senator Swift made the motion to approve the amendments presented. The vote was unanimous.

Recommendation and Vote:

Senator Svrcek made the motion to concur HB 556 as amended. The vote was unanimous. Senator Svrcek will carry the bill on the Senate floor.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 27, 1991

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration House Bill No. 556 (third reading copy -- Blue), respectfully report that House Bill No. 556 be amended and as so amended be concurred in:

1. Title, line 6.

Strike: "TAXATION,"

2. Title, line 12.

Strike: "87.4.420,"

3. Page 4, lines 12 through 16.

Strike: section 5 in its entirety

Renumber: subsequent sections

4. Page 5, line 12.

Strike: "\$5,000"

Insert: "\$500"

5. Page 6, line 14.

Strike: "IMPORTATION"

Insert: "Department restrictions on importation"

6. Page 6, lines 15 through 25.

Following: line 14

Strike: line 15 through "(2)" on line 25

Insert: "."

7. Page 7, line 1.

Following: page 6, line 25

Strike: "ADD OTHER"

Insert: "restrict from importation for purposes of game farming
any species or subspecies and their hybrids with native"

8. Page 7, lines 6 and 8.

Strike: "3"

Insert: "7"

Signed: Bob Williams
Bob Williams, Chairman

LB 3/27/91
Amd. Coord.

Sec. of Senate

Amendments to House Bill No. 556
3rd Reading Copy

For the Senate Committee on Fish and Game

Prepared by Andrea Merrill
March 25, 1991

1. Title, line 6.
Strike: "TAXATION,"
2. Title, line 12.
Strike: "87-4-420,"
3. Page 4, lines 12 through 16.
Strike: section 5 in its entirety
Renumber: subsequent sections
4. Page 5, line 12.
Strike: "\$5,000"
Insert: "\$500"
5. Page 6, line 14.
Strike: "IMPORTATION"
Insert: "Department restrictions on importation"
6. Page 6, lines 15 through 25.
Following: line 14
Strike: line 15 through "(2)" on line 25
Insert: "."
7. Page 7, line 1.
Following: page 6, line 25
Strike: "ADD OTHER"
Insert: "restrict from importation for purposes of game farming
any species or subspecies and their hybrids with native"
8. Page 7, line 6.
Strike: "8"
Insert: "7"

SENATE FISH AND GAME

1991 LIVESTOCK SCHEDULE
 BILL NO. HB 556
 DATE 3/26/91
 SENATE FISH AND GAME
SECTION 1 - PER CAPITA TAX ONLY

<u>TYPE</u>	<u>AGE</u>	<u>CODE</u>	<u>MARKET VALUE</u>	<u>PER HEAD CAPITA TAX</u>
Horses, Mules, Asses & Shetland Ponies . . .	9-23 months	5001	\$ 0	\$1.58
Bulls and Cattle Stock and Registered. .	9-23 months	5002	0	1.20
Sheep	9-23 months	5006	0	.21
Swine	3-5 months	5007	0	.37
Goats	9-23 months	5008	0	.21
Poultry	All	5009	0	.01
Bees	All	5010	0	.21 Per/ hive

SECTION 2 - AD VALOREM AND PER CAPITA TAXHorses

Mules, Asses, Shetland Ponies, Donkeys, & Burros	24 months & older	5102	\$ 333.00	\$1.58
Stallions	24 months & older	5103	1665.00	1.58
Saddle Horses & Brood Mares	24 months & older	5105	666.00	1.58
Work and Pack Horses, Riding & Pack Mules	24 months & older	5107	777.00	1.58
Show, Race & Roping Horses	24 months & older	5108	1110.00	1.58
Horses	15 years & older	5109	444.00	1.58

Cattle

<u>Stock & Grade</u>				
Bulls	24 months & older	5312	909.00	1.20
Cattle	24-32 months	5315	404.00	1.20
Cattle	33 months & older	5316	455.00	1.20
Steers	33 months & older	5317	606.00	1.20
Dairy Cattle	24 months & older	5318	606.00	1.20

NOTE: The only bulls valued as purebred will be those used in the production of registered/purebred cattle. All bulls used with stock herds will be valued as stock and grade.

Purebred

Bulls	24 months & older	5352	1182.00	1.20
Cattle	24-32 months	5355	525.00	1.20
Cattle	33 months & older	5356	591.00	1.20